

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CIVIL NO. 1:06CV85-T
(1:03CR4-T)

DANNY CARLTON GRIPPER,)	
)	
Petitioner,)	
)	
vs.)	<u>JUDGMENT</u>
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

For the reasons set forth in the Memorandum and Order filed
herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that
the Petitioner's motion pursuant to 28 U.S.C. § 2255 is **GRANTED IN**
PART, and Petitioner's sentence as to Count One is hereby **VACATED**.
The Clerk shall prepare an amended judgment reflecting that the
Petitioner's convictions as to Counts One and Two are merged, and that
his concurrent 72-month sentence and three year term of supervised
release are vacated as to Count One only. The remaining terms of the
Judgment remain in full force and effect.

IT IS FURTHER ORDERED that the Respondent's motion for summary judgment is **ALLOWED** as to Petitioner's remaining claims and such claims are hereby **DISMISSED WITH PREJUDICE**.

Petitioner is hereby placed on notice that no future motion pursuant to 28 U.S.C. § 2255 may be filed absent permission from the United States Fourth Circuit Court of Appeals.

Signed: July 2, 2008



Lacy H. Thornburg
United States District Judge

